

REMARKS

The Examiner mailed the Applicants an Advisory Action on June 3, 2005 stating that the Amendment After Final Rejection submitted by the Applicants on April 25, 2005 was not entered because it allegedly raised new issues that would require further consideration and/or search. Specifically, the Examiner stated that "[t]he amendment raises new issues; for example, the changes to claims 1, 12 and 17, and the addition of new claim 21 raise new issues that require at least further consideration." Advisory Action p. 2.

The Applicant submits herewith a Request for Continued Examination along with the amendments to the drawing, specification, and claims that were made in the Amendment After Final Rejection submitted on April 25, 2005 for the Examiner's consideration.

In the Drawings:

In the Final Office Action dated February 25, 2005, the Examiner objected to the drawings under 37 CFR 1.83(a), stating that the term "frame" as set forth in claims 1 and 17 must be specifically shown in the drawings. The Examiner stated that the replacement sheets filed with the Applicants' Amendment of November 15, 2004 were unacceptable because changes were made that were considered new matter because there was no support in the original disclosure for the specific structure added to the drawings. The Applicants respectfully disagree with the Examiner's contention.

As-filed claims 1 and 17 specifically included limitations that "the table saw compris[es]: a frame having a table top." Additionally, the as-filed specification also disclosed the frame in paragraphs [0004] and [0023]. Therefore, the modifications on replacement sheets 1 and 2 of the Amendment filed on November 15, 2004 did not introduce any new matter and therefore were proper.

In order to expedite prosecution of the application, replacement sheets 1 and 2 that were included with the Applicants' Amendment of November 15, 2004 have been withdrawn. Applicants submit revised replacement sheets 1 and 2, which modify FIGs. 1 and 4, respectively. The only change on both replacement sheets from the as-filed figures is the addition of element 18, which identifies the frame, through which the saw

blade extends and of which the table top is a part. The structure that element 18 refers to was shown in the as-filed versions of FIGs. 1 and 4. Because claims 1 and 17 each include limitations to a "frame having a table top" and as-filed FIGs. 1 and 4 each included the structure of the frame by showing the table top, and the replacement sheets, which only add the designation of element 18, do not add any new matter to the application. See MPEP § 608.01(I).

In the Specification:

In the Final Office Action dated February 25, 2005, the Examiner objected to the amendments to paragraphs [0022] and [0023] of the specification in the Amendment filed on November 15, 2004, stating that there was no basis in the original disclosure for the changes made to FIGs. 1 and 4 by replacement sheets 1 and 2 that were filed with the Amendment. The Examiner's next logical step was to determine that because there was no basis for the changes made in the replacement sheets, there was no basis for the amendments that were made to the specification.

The Applicants respectfully disagree with this analysis. The as-filed claims and specification clearly stated that a frame was a component of the table saw, in fact, as-filed claims 1 and 17 included limitations to "a frame having a table top ..." Therefore, the addition of the frame to paragraph [0022] and the element number 18 to paragraph [0023] cannot be new matter. Furthermore, for the reasons discussed above, the amendments made to the drawings in the Amendment filed on November 15, 2004 were not improper.

In order to expedite the prosecution of this application, the Applicants cancel the amendment made to paragraph [0022] in the Amendment filed on November 15, 2004. In place of the cancelled amendment, the Applicants have amended paragraph [0022] as set forth earlier in this Amendment. The current amended paragraph [0022] has the exact language that was used in as-filed claims 1 and 17 to describe the frame, in addition to the reference to element 18, which refers to the frame on the replacement sheets (corresponding to FIGs. 1 and 4, filed with this Amendment).

Because the frame was included in the as-filed application, this amendment to the specification does not add new matter. See MPEP § 608.01(I).

In the Claims:

Claims 1-21 are pending in this application. Claims 1-20 were rejected by the Examiner in the Final Office Action dated February 25, 2005. Claim 21 has been added. Claims 1, 12, and 17 are amended. Support for the new claims and amendments are found throughout the specification and the drawings. The amendment has been made to further clarify the position of the guard with respect to the riving knife. In view of the following amendments and remarks, Applicants respectfully request reconsideration of the application.

I. Rejections under 35 U.S.C. § 112

Claims 1-11 and 17-20 were rejected by the Examiner under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1-11 and 17-20 were rejected because the Examiner stated that the terms "frame" in claims 1 and 17 are vague and indefinite as to what the term refers to. The applicants have amended FIGs. 1 and 4 to show the frame as element 18 and amended paragraphs [0022] and [0023] of the specification to identify the frame with element 18 and state that the table saw includes a frame. The Applicants believe that amended FIGs. 1 and 4 and the description of the frame in the specification overcomes this rejection.

Claims 1-11 were also rejected because the Examiner stated the term "said housing" in claim 1 lacked an antecedent basis. The Amendment filed on November 15, 2004 addressed this rejection by amending claim 1 to read "a multi-position pin mounted to said guard" and to remove the recitation of "said housing." In the Final Rejection of February 25, 2005 the Examiner stated that the Amendment was entered (see p. 2 of Office Action dated February 25, 2005), therefore, the Applicants respectfully assert that this rejection is improper because line 8 of claim 1 no longer contains any reference to "said housing."

Applicants respectfully request that the indefiniteness rejections of claims 1-11 and 17-20 be withdrawn.

II. Rejections under 35 U.S.C. § 102

Claims 1-3 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by the teachings of U.S. Patent Number 291,187 to Groff ("Groff").

Amended claim 1 further defines the position of the guard with respect to the riving knife when the guard is attached to the riving knife. In contrast, Groff does not include a guard that does not move with respect to the riving knife when it is attached to the riving knife, as is required by amended claim 1. Instead, Groff shows and teaches a guard that moves vertically with respect to the riving knife when attached to the riving knife. Therefore, Groff cannot anticipate or render obvious claims 1-3. Moreover, there is no suggestion to modify Groff to attain this structure. Applicants respectfully request that the Section 102(b) rejection of claims 1-3 be withdrawn.

III. Rejections under 35 U.S.C. § 103

Claims 4-20 were rejected under 35 U.S.C. § 103(a) as being obvious over the Groff patent in view of other references, including: U.S. Patent Number 997,720 to Troupenat ("Troupenat"), U.S. Patent Number 1,830,579 to Wappat ("Wappat"), U.S. Patent Number 5,794,351 to Campbell ("Campbell"), U.S. Patent Number 5,375,495 to Bosten ("Bosten"), and U.S. Patent Number 1,821,113 to Neighbour ("Neighbour").

Applicants respectfully traverse. Claims 4-11 depend from claim 1. As pointed out above, Groff does not show or suggest that the guard does not move with respect to the riving knife when the two are attached. Likewise, the secondary references do not teach or suggest a removable guard that does not move with respect to the riving knife when attached to the riving knife. Therefore, the combination cannot teach or suggest the presently claimed table saw.

The Applicants note that Neighbour discloses structure that is similar to a riving knife (no element number provided) and structure that covers the top of the saw blade (68). Initially, the Examiner has provided no motivation to combine Groff and Neighbour without the improper use of hindsight. Additionally, the combination of Groff and Neighbour would require a complete redesign of the two structures and would make the structures no longer perform their intended purpose. Specifically, the guard in Groff (A) is movable with respect to the riving knife (F) when a work piece is presented to the saw blade. This movement of the guard to expose the blade when a work piece is

presented to the saw blade is the basis of the disclosure. See Groff, II. 12-18. If the guard was modified to be rigidly mounted to the riving knife when the two are attached, the guard in Groff would not perform its desired function of exposing the saw blade only when a work piece is presented to the saw blade.

Even if Groff and Neighbor could be properly combined, the combination of the two references does not teach all of the elements of claim 1. Specifically, neither Groff nor Neighbour alone or in combination a guard that is releasably attached to a riving knife that does not move with respect to the riving knife when attached to the riving knife.

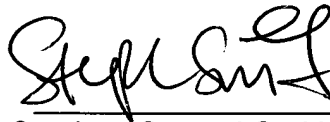
Like claim 1, independent claims 12 and 17 require that the guard does not move with respect to the riving knife when the guard is attached or secured to the riving knife. Therefore, these claims and those depending from them are also patentable. New claim 21 has been drafted to contain limitations that make the claim patentable over the prior art of record. Applicants respectfully request that the Section 103(a) rejections of claims 4-20 be withdrawn and claims 1-21 be allowed.

Application Number: 10/601,721
Amendment Dated: June 30, 2005
Reply to Office Actions of February 25, 2005 and June 3, 2005

SUMMARY

Claims 1-21 are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



Stephen Conrad Smith
Registration No. 56,250
Attorney for Applicants

Dated: June 30, 2005

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



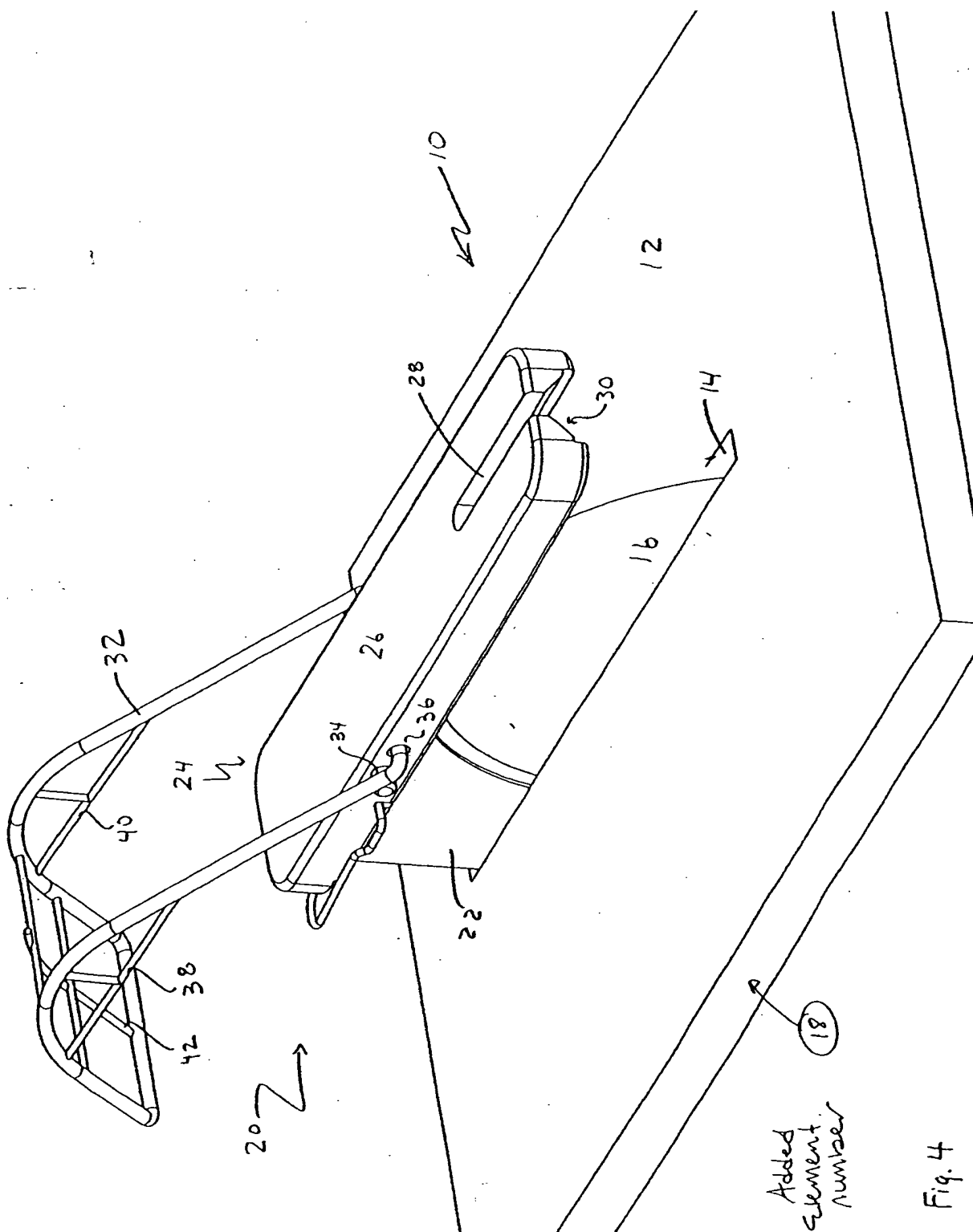


Fig. 4

Added
element
number

BEST AVAILABLE COPY